

UNITED STATES DISTRICT COURT

FILED
CHARLOTTE, NC

JUL 22 2024

US DISTRICT COURT
WESTERN DISTRICT OF NC

for the

District of _____

Division _____

Case No. 3:24-cv-671

(to be filled in by the Clerk's Office)

Anthony Bussie

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

United States

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Anthony Bussie

All other names by which
you have been known:

ID Number

64105-050

Current Institution

Federal Medical Center

Address

P.O. Box 1600

Butner

City

NC

State

27509

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

United States
GovernmentJob or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

Defendant No. 3

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☒Federal officials (a *Bivens* claim)☐

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Not communicating a mitigating defense to U.S. Atty, Asst. U.S. Atty, psychologist, warden and judge in a criminal litigation. For example criminal dismissal in *US v. Bussie* 12cr229 (AMB) (DNJ), quoting no prisoner under the definition of prisoner; and a tort claim denial letter argued in *Bussie v. Dept of Commerce* 12 cv 792 (WREDC).

Page 3 of 11

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☒ Other (explain) unconstitutional civilly committed detainee

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

The event arose in New Jersey at a Congressman Robert E. Andrews's House in 2012 or 12 years ago. A standard form 95 was completed and allocated to the Federal Claims Court see *Bussie v. Dept. of Commerce* 12-cv-792 (D) (EDNC) Judge Renee M. Bumb terminated criminal charges see *US v. Bussie* 12-cr-229 (DNJ)

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

The event arose in FMK-Butner every year with psychologist and warden conducting a risk assessment evaluation to a judge Britt. Judge Britt (EDNC) is not on the same page as Judge Bumb that terminated the criminal charges. Judge Britt (EDNC) civilly committed me to the psychologist and warden at FMK-Butner see *US v. Bussie* 14-cv-2106 (Britt) (EDNC)

- C. What date and approximate time did the events giving rise to your claim(s) occur?

2012 - present 2024

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I filed civil action and gotten arguments about prison conditions in EDNC Raleigh, NC by approx 4 judges got involved named (D) (Bo) (FL) (M) on what happen to my rights violated arguing defensive statements such as criminal charges terminated, tort claim denial letter, no prisoner under the definition of prisoner. Doc argued even statements while civilly committed detainee.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I suffer headaches, loss of enjoyments and loss of freedom. The medical treatments are Teloral or Pain killers, mental health

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Demand to dismiss this case with arguments and relief granted. Demand communications with U.S. Atty for NC, Assist. U.S. Atty for NC, Psychologist and Warden at FMC about a failure to prosecute or no probation, no conviction, no sentence, not as diligent and no parole. Demand a certain sum of \$1million dollars for damages.

ANTHONY BUSSIE, Petitioner, v. THOMAS YOUNG, Respondent.
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY, CAMDEN VICINAGE
2016 U.S. Dist. LEXIS 21486
Civ. Action No. 16-632 (RMB)
February 22, 2016, Decided
February 22, 2016, Filed

Notice:

NOT FOR PUBLICATION

Counsel {2016 U.S. Dist. LEXIS 1} **ANTHONY BUSSIE**, Petitioner, Pro se,
BUTNER, NC.

For UNITED STATES OF AMERICA, Respondent: CAROLINE
A. SADLOWSKI, LEAD ATTORNEY, UNITED STATES ATTORNEY'S OFFICE, NEWARK,
NJ.

Judges: Renée Marie Bumb, United States District Judge.

Opinion

Opinion by: Renée Marie Bumb

Opinion

BUMB, District Judge

I. BACKGROUND

This matter is before the Court upon Petitioner Anthony Bussie's ("Bussie") petition for a writ of habeas corpus under 28 U.S.C. § 2241. (ECF No. 1.) Bussie is presently confined in the Federal Medical Center in Butner, North Carolina ("FMC-Butner"). (*Id.*) On April 20, 2012, this Court found Bussie was incompetent to stand trial pursuant to 18 U.S.C. § 4241(d), and committed him to the Bureau of Prisons for treatment to restore competency. *United States v. Bussie*, 12cr229 (RMB) (D.N.J. Apr. 20, 2012). On July 2, 2014, pursuant to 18 U.S.C. §§ 4241(d) and 4246, this Court found defendant was mentally incompetent to stand trial, and he could not be restored to mental competence. *Id.*, ECF No. 42. Therefore, this Court ordered Bussie's evaluation to determine whether he should be subject to civil commitment proceedings. *Id.*

On April 16, 2015, this Court dismissed without prejudice all charges against Bussie contained in the Indictment in Criminal Action No. 12-229 (RMB). *Id.*, ECF No. {2016 U.S. Dist. LEXIS 2} 43. The United States Attorney sought this dismissal because on April 2, 2015, Bussie was ordered civilly committed, pursuant to 18 U.S.C. § 4246, by the Honorable W. Earl Britt, of the United States District Court, Eastern District of North Carolina in Civil Case No. 5:14-HC-2186-BR.

In Ground One of the present petition, Bussie alleged in relevant part, "Thomas Young . . . violated criminal court rules and forwarding flaw intelligence to the United States Government in the matter of *United States v. Bussie*, 12cr229 (RMB) (DNJ) illegal competency." The Court notes that Young was Bussie's counsel in the criminal and competency proceedings in this Court. *See United States v. Bussie*, 12cr229 (RMB). Bussie's additional grounds for relief are similar in nature, and he seeks to

2yccases

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punish and prosecute Young. (Pet., Request for Relief, ¶15.) Petitioner also seeks relief the Court deems appropriate. (Id.)

II. DISCUSSION

28 U.S.C. § 2241(c)(3) provides relief for a person in custody in violation of the Constitution or laws or treaties of the United States. Section 2241 does not provide a district court with the power to order a criminal prosecution, as Bussie requests. The Court might also construe the petition as seeking release from custody.{2016 U.S. Dist. LEXIS 3} Such a petition, however, must be brought against the petitioner's current custodian, in the district where the petitioner is confined, which in this case is the United States District Court for the Eastern District of North Carolina. See U.S. v. Foy, 803 F.3d 128, 136 (3d Cir. 2015) (remanding for district court to consider whether to transfer § 2241 petition seeking release from civil commitment pursuant to 28 U.S.C. § 1631).

If a court finds there is a want of jurisdiction over a civil action, "the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal counsel have been brought at the time it was filed or noticed. . ." 28 U.S.C. § 1631.

Bussie is currently confined pursuant to a civil commitment order by the U.S. District Court, Eastern District of North Carolina. Bussie has appealed the District Court's decision to civilly commit him pursuant to 18 U.S.C. § 4246 in the Fourth Circuit Court of Appeals, and proceedings are ongoing. United States v. Bussie, No. 15-6621 (4th Cir. 2015). Therefore, he has brought a challenge to his present custody in the proper jurisdiction, and transfer of the present action to North Carolina is not in the interest of justice.

III. CONCLUSION

For these reasons, in the accompanying{2016 U.S. Dist. LEXIS 4} Opinion filed herewith, the Court will dismiss the petition for want of jurisdiction and close this matter.

/s/ Renée Marie Bumb

Renée Marie Bumb

United States District Judge

Dated: February 22, 2016

Unpublished decision: Lilly Ledbetter Fair Pay Act of 2009, Pub. L. No. 111-2, 123 Stat. 5 (codified as amended at 42 USCS §§ 2000a, 2000e-5, 2000e-16, 29 U.S.C. §§ 626, 633a, 794a), does not create money-mandating right upon which plaintiff can rely to satisfy jurisdictional requirements of Tucker Act; rather, it clarifies what constitutes unlawful employment practice for purposes of Title VII of Civil Rights Act of 1964, 42 USCS §§ 2000e et seq., and serves to toll or extend limitations period for ongoing employment discrimination; such claims are within exclusive jurisdiction of federal district courts. Bussie v. United States, 96 Fed. Cl. 89, 2011 U.S. Claims LEXIS 9 (Fed. Cl. Jan. 12, 2011), aff'd, 443 Fed. Appx. 542, 2011 U.S. App. LEXIS 20568 (Fed. Cir. 2011).

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

FDC Phila, PA in solitary confinement (1) judge named (RMB) argued false arrested, ~~and~~ no criminal upwards, and other defense in an array of civil actions

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☒ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

N/A

2. What did you claim in your grievance?

N/A

3. What was the result, if any?

N/A

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Not a prison issue

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?



Yes



No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?



Yes



No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 7-8-24

Signature of Plaintiff

Anthony Bussie

Printed Name of Plaintiff

Anthony Bussie

Prison Identification #

64105-050

Prison Address

P.O. Box 1600

Butner

City

NC

State

27509

Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address